

House File 227 - Introduced

HOUSE FILE 227

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 33)

A BILL FOR

1 An Act relating to strip searches of persons at a jail or
2 municipal holding facility.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **702.24 Visual strip search.**

2 A "*visual strip search*" means having a person remove or
3 arrange some or all of the person's clothing so as to permit
4 a visual inspection of the genitalia, buttocks, anus, female
5 breasts, or undergarments of that person.

6 Sec. 2. Section 804.30, Code 2015, is amended by striking
7 the section and inserting in lieu thereof the following:

8 **804.30 Strip searches.**

9 1. A person arrested for a scheduled violation or a simple
10 misdemeanor who is not housed in the general population of
11 a county jail or municipal holding facility shall not be
12 subjected to a strip search and shall not be subjected to a
13 visual strip search unless there is probable cause to believe
14 that the person is concealing a weapon or contraband and
15 written authorization of the supervisor on duty is obtained.

16 2. A person arrested for a scheduled violation or a simple
17 misdemeanor who is housed in the general population of a county
18 jail or municipal holding facility may be subject to a visual
19 strip search or a strip search as provided in this section.

20 3. *a.* Any person arrested for a scheduled violation or a
21 simple misdemeanor may be subjected to a search probing the
22 mouth, ears, or nose.

23 *b.* Any person arrested for a scheduled violation or a
24 simple misdemeanor and housed in the general population of a
25 county jail or municipal holding facility may be subjected to
26 the physical probing of a body cavity other than the mouth,
27 ears, or nose only pursuant to a search warrant. Such physical
28 probing shall be performed only by a licensed physician unless
29 voluntarily waived in writing by the arrested person.

30 4. All searches shall be performed under sanitary
31 conditions.

32 5. All searches, except for the probing of the mouth, ears,
33 or nose, shall be conducted in a place where the search cannot
34 be observed by persons not conducting the search.

35 6. All searches shall be conducted by a person of the

1 same sex as the arrested person, except for the probing of
2 the mouth, ears, or nose, unless the search is conducted by a
3 physician.

4 7. Subsequent to a strip search pursuant to subsection
5 1, a written report shall be prepared which includes the
6 written authorization required by subsection 1, the name of
7 the person subjected to the search, the names of the persons
8 conducting the search, the time, date, and place of the search
9 and, if required by this section, a copy of the search warrant
10 authorizing the search. A copy of the report shall be provided
11 to the person searched.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill relates to strip searches of persons housed at a
16 jail or municipal holding facility.

17 Current law provides that a person arrested for a scheduled
18 violation or simple misdemeanor shall not be subject to a strip
19 search unless there is probable cause to believe the person is
20 concealing a weapon or contraband.

21 The bill provides that a person arrested for a scheduled
22 violation or a simple misdemeanor who is not housed in the
23 general population of a jail or municipal holding facility
24 shall not be subjected to a strip search and shall not be
25 subjected to a visual strip search unless there is probable
26 cause to believe that the person is concealing a weapon or
27 contraband and written authorization of the supervisor on
28 duty is obtained. If such a person is subjected to a strip
29 search, a written report shall be prepared which includes the
30 written authorization by the supervisor, the name of the person
31 subjected to the search, the names of the person conducting
32 the search, the time, date, and place of the search and, if
33 applicable, a copy of the search warrant authorizing the
34 search.

35 Under the bill, a "visual strip search" means having a person

1 remove or arrange some or all of the person's clothing so as to
2 permit a visual inspection of the genitalia, buttocks, anus,
3 female breasts, or undergarments of the person.

4 The bill provides that a person arrested for a scheduled
5 violation or a simple misdemeanor who is housed in the general
6 population of a jail or municipal holding facility may be
7 subject to a strip search or visual strip search. Under
8 current law and in the bill, any such person housed in the
9 general population may be subjected to the physical probing
10 of a body cavity only pursuant to a search warrant. The bill
11 requires a strip search be conducted by a physician unless
12 voluntarily waived by the person.

13 The bill specifies that all searches be performed under
14 sanitary conditions, be conducted in a place where the search
15 cannot be observed by persons not conducting the search, and be
16 conducted by a person of the same sex as the arrested person.
17 However, the bill does not require that a search of the
18 mouth, nose, and ears be conducted in a place where the search
19 cannot be observed by persons not conducting the search or be
20 performed by a person of the same sex as the arrested person.